

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

April 5, 2004
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Nancy Houlahan, Rick Fagerlie, and Jim Dokken; Present 8, Absent 1 - David Chapin was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Proposed additions to the agenda included comments on Airport funding and recognition of Bob Poe.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of March 15, Municipal Utilities Commission Minutes of March 22 and April 30, Kandiyohi Area Transit Board Minutes of January 23 and February 24, Police Civil Service Commission Minutes of February 2, Housing Redevelopment Authority Board Minutes of February 10, Senior Citizens Council Minutes of March 3, and Community Education and Recreation Board Minutes of March 26, 2004. Council Member DeBlieck seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened a hearing on an Ordinance Regulating the Hour and Days of Sale of On-sale Liquor Establishments. City Clerk Halliday informed the Mayor and Council that the Ordinance adopted in 2003 allowing establishments to sell liquor until 1:00 p.m. inadvertently omitted Saturday sales. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:03 p.m.

Council Member Reese offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Municipal Code §3-83 (and Ordinance No. 1184) Which Regulates Hour and Days of Sale of On-sale Liquor Establishments. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:05 p.m. Mayor Heitke opened a hearing on an Ordinance Adopting a Revised Zoning Map. Planning and Development Services Director Peterson informed the Mayor and Council the new Willmar zoning map has been prepared in cooperation with Mid-Minnesota Development Commission. It was noted changes made to the map provide greater consistency with the Comprehensive Plan. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:06 p.m.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of the Ordinance Adopting a Revised Zoning Map. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Heitke recognized Glen Bangen, who commented on Westwood housing development during the scheduled Open Forum.

Steve Renquist, Economic Development Commission Executive Director, appeared before the Mayor and Council to request consideration of a resolution supporting the siting of a proposed ethanol plant in Genessee Township. The plant as proposed would produce 40 – 50 million gallons of ethanol yearly, create 32 – 40 new jobs, add \$.05 a bushel to the County corn price, and add \$46 million to the tax base. The 15-acre site was just west of Atwater, Minnesota.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0, Council Member Fagerlie abstained from voting.

RESOLUTION NO. 1

WHEREAS, agriculture is a pillar of Kandiyohi County's economic base; and

WHEREAS, ethanol is a renewable fuel utilizing area corn production; and

WHEREAS, the project's bi-products are a valuable asset to area poultry and animal agricultural producers;

NOW, THEREFORE, BE IT RESOLVED by the City Council in and for the City of Willmar, Minnesota, to encourage the Bushmill, Inc. Board of Directors to locate its proposed ethanol production facility at the Genessee Township site.

Dated this 5th day of April, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Public Works Director Odens presented to the Mayor and Council for consideration bid tabulations for the Baker Field Taunton Stadium and corresponding electrical construction. Tate Hutton and Jim Lewis, Dant Clayton representatives and apparent low bidder, presented to the Mayor and Council a construction time table and history of past work experience.

Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Dant-Clayton Corporation of Louisville, Kentucky for the following bids at Baker Field Taunton Stadium is accepted:

Base Bid	\$332,411.00
Add. Alt. #2 – Bleacher Backrests	4,151.00
Add Alt. #7 – Press Box	21,343.00
Add Alt. #8 – Vinyl Coated Fence	2,093.00

Deduct Alt. #10 – Backstop Netting by Owner (8,234.00)
Deduct Alt. #11 – Labor by Owner (16,852.00)

and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$334,912.00.

Dated this 5th day of April, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Willmar Electric Service of Willmar, Minnesota for Base Bid #3 Electrical Construction at Baker Field Taunton Stadium is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$7,506.00.

Dated this 5th day of April, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Finance Committee Report for March 29, 2004, was presented to the Mayor and Council by Council Member Anderson. There were five items for Council consideration.

Item No. 1 The Committee reviewed with staff the status of various items pertaining to the implementation of a local option sales tax. Items discussed were the Legislative report, Ballot question, election requirements, and the chances of approval by the Legislature. Staff was then directed to place this on future Finance Agenda's for monthly review. This matter was for information only.

Item No. 2 The Committee reviewed a proposed agreement between the City and Willmar Blue Line Club for the transfer of ownership of the Blue Line Center to the City of Willmar. Representatives from the Blue Line Club were present to answer any questions the Committee had in regard to the proposed agreement, and to request the City waive the Building Permit fees for construction of the second sheet of artificial ice. It was noted that the State surcharge portion of the Building Permit could not be waived.

The Committee was recommending the Council authorize the Mayor and City Administrator to sign the agreement as proposed and waive the Building Permit fee. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an agreement between the City of Willmar and Willmar Blue Line Club for the installation of an artificial ice system at the Blue Line Center and transfer ownership of the Center to the City of Willmar.

Dated this 5th day of April, 2004.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee considered a request from an individual interested in purchasing tax-forfeited property located in the Country Club Terrace Addition. The request was that the City not reassess the balance of delinquent assessments against the property once purchased. It was noted the City would receive the majority of delinquent assessments based on the value assigned to the property at the time of purchase.

The Committee was recommending to the Council that the City not reassess the balance of any delinquent assessments against Parcels 95-137-0200 and 95-137-0204 if purchased from Kandiyohi County for the values assigned. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Fagerlie seconding the motion, which carried.

Item No. 4 The Committee reviewed a list of parcels recently been purchased from Kandiyohi County as Tax Forfeiture. These parcels are located in the Valley Brook Estates Addition and small amounts of assessments remain to be reassessed upon purchase.

The Committee was recommending to the Council to set the reassessment amounts as recommended and call for a hearing on April 19, 2004, to allow input from the affected property owners. It was noted that pursuant to prior Council action of October 17, 2001, the reassessment amounts were identified as being equal to the Council-designated values and no additional assessments were necessary.

Item No. 5 The Committee reviewed the following reports: January Rice Hospital, February Rice Trust, WRAC-8, CVB and Investment Summary. This matter was for information only.

The Finance Committee Report for March 29, 2004, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for March 23, 2004, was presented to the Mayor

and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 Rick Borgen, 220 High Avenue NE, appeared before the Committee to continue the discussion of ongoing Sperryville neighborhood concerns. Mr. Borgen expressed dissatisfaction with garbage and abandoned vehicles at neighboring properties. The Committee discussed at length past efforts at enforcement of public safety and zoning citations and asked staff to continue to monitor the situation on a regular basis. Discussions with the City Attorney will be held to determine if there are other avenues of recourse. This matter was for information only.

Item No. 2 The Committee met with Lyle Tiegs and Jan Scheltens representing the Central Business District community to discuss a plan of action for improvements to the downtown area. The discussion focused on six areas of concern: 1) Meetings scheduled with Municipal Utilities to explore ways of improving lighting in the downtown area. 2) Staff will contact local providers to determine the feasibility and cost of placing garbage receptacles in strategic locations in the downtown area and prepare a plan of action for future Council consideration. 3) Downtown business community will look into the feasibility of purchasing and planting flower boxes/baskets throughout the downtown. 4) Preserving and enhancing the historic architecture of the Central Business District. 5) Opening the downtown bypass at the east and west ends was acknowledged, noting that meetings have been scheduled with Mn/DOT to identify and develop options. 6) Parking – ways need to be found to discourage employers/employees from parking on the street in front of businesses.

This matter was for information only.

Item No. 3 The Committee reviewed a proposed ordinance regulating noisy gatherings. Chief Kulset shared a letter from City Attorney Ronning indicating a recent Kandiyohi County Court ruling finding the County's Noisy Party Ordinance to be unconstitutional. The City's existing ordinance mirrors the County's ordinance and staff was recommending changes to better enable enforcement.

The Committee was recommending to the Council that the Ordinance Amending Municipal Code Sections 9-86, 9-87 and 9-88 be introduced for a hearing on April 19, 2004. Council Member Reese offered a motion to introduce the Ordinance Amending Municipal Code Sections 9-86, 9-87 and 9-88 Regulating Noisy Gatherings. Council Member Fagerlie seconded the motion, which carried.

Item No. 4 The Committee reviewed an update on the City's Mosquito Control program and the City's plan of action for the coming summer months. The City will be placing briquettes in low-lying wetland areas, packets in catch basins throughout the City, spraying as needed throughout the summer months, and investing in public education through the City's newsletter, newspapers and periodic public service announcements. Total cost of the 2004 mosquito control program is estimated at \$10,000, which does not include staff time. This matter was for information only.

The Public Works/Safety Committee Report for March 23, 2004, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Fagerlie, and carried.

The Labor Relations Committee Report for March 24, 2004, was presented to the Mayor and Council by Council Member Houlahan. There was one item for Council consideration.

Item No. 1 The meeting was closed for the purpose of reviewing and discussing MUC contract negotiations and tentative proposals.

Upon reopening, it was the consensus of the Committee that following discussions with MUC Labor Relations representatives, contracts be approved with MUC IBEW Local 160 and non-union employees. Generally speaking, in both cases the contracts are three years in term including 3 percent wage adjustments in each of the three years. Health insurance formulas are revised to include a 50/50 split in sharing the cost of premium increases. This matter is for information only. Contract approvals will take place at the time MUC minutes are presented to the Council for approval. This matter was for information only.

The Labor Relations Committee Report for March 24, 2004, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Houlahan, seconded by Council Member Reese, and carried.

The Community Development Committee Report for April 1, 2004, was presented to the Mayor and Council by Council Member DeBlieck. There were four items for Council consideration.

Item No. 1 The Committee continued discussion of a Residential Maintenance Ordinance. The purpose of the Ordinance is to maintain or improve the overall condition of the housing stock in the City of Willmar. Staff had made presentations at two Ward meetings and the proposed Ordinance was well received.

The Committee was recommending to the Council that the Ordinance be introduced for a hearing on April 19, 2004. Council Member DeBlieck offered a motion to introduce the Ordinance Regulating the Exterior Condition of Residential Structures. Council Member Dokken seconded the motion, which carried.

Item No. 2 Staff updated the Committee on the status of the Gurley's tax abatement request. It was noted that the County Board had approved a ten-year abatement for Gurley's Foods and the matter is proposed to go before the School Board at their April 12, 2004, meeting.

The Committee was recommending the Council direct Staff to proceed with a Business Subsidy/Tax Abatement hearing for the April 19, 2004, Council meeting, as well as to prepare the Business Subsidy/Tax Abatement Agreements as required by Statute. Council Member Dokken seconded the motion, which carried.

Item No. 3 The Committee discussed establishing a Historic Preservation District for the Central Business District. Staff said previous research indicated that the Central Business District would not qualify for district designation. The matter will be further discussed at the staff level and staff will communicate with downtown representatives. This matter was for information only.

Item No. 4 The Committee received updates on the following projects: Mills, Gurley's Foods, Menard's, Trentwood Estates, Lakewood Seventh Addition and Willmar Regional Treatment Center planning. This matter was for information only.

The Community Development Committee Report of April 1, 2004, was approved as presented and ordered placed on file in the City Clerk's Office.

City Administrator Schmit presented to the Mayor and Council information regarding an All-America City Award program sponsored by the National Civic League. The Award recognizes exemplary grassroots community problem solving and is given to communities who cooperatively

tackle challenges and achieve results. Mr. Schmit indicated there is a group of individuals who have expressed an interest in working in this project. Following discussion, Council Member Reese moved to approve of the application process for the 2005 All-America City Award. Council Member Anderson seconded the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that Les Chermak has proposed the rezoning of property on 19th Avenue Southwest from R-3 to LB for an accounting office and lot marked for professional business development. The proposal is consistent with the Comprehensive Plan and has been approved by the Planning Commission. Council Member DeBlieck moved to introduce an Ordinance Amending Municipal Ordinance No. 1060 and set the hearing for April 19, 2004. Council Member Dokken seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that the following establishments are requesting renew of current liquor licenses: On-sale – Holiday Inn of Willmar, Blue Heron on the Green, El Tapatio and Grizzly's Grill N-Saloon; Club On-sale – Eagles, VFW 1639 and American Legion; On-sale 3.2% Malt Liquor – Pizza Hut, Valley Golf Course and La Nueva Rosita's; and Off-sale – Cashwise Liquors, Gerry's Liquor, Liquor Mart and Westside Liquor. Following discussion, Council Member Reese moved to approve all licenses as presented. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Heitke commented on the positive outcome of the Airport funding and the citizen and staff efforts to acquire the additional \$1 million funding. He thanked all those involved for their commitment.

Mayor Heitke offered congratulations to Reverend Bob Poe who was recently appointed to the National Board of Directors for Youth for Christ.

Announcements for Council Committee meeting dates were as follows: Finance, April 12; Public Works/Safety, April 13; and Community Development, April 14, 2004.

Public Works Director Odens presented to the Mayor and Council the 2003 Public Works Departmental annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

City Attorney Ronning presented to the Mayor and Council the 2003 City Attorney Departmental annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

There being no further business to come before the Council, the meeting adjourned at 9:10 p.m. upon motion by Council Member Christianson, seconded by Council Member Reese, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL